in the case of summary commitments for contempt committed in the presence of the court. *Ex parte Terry*, 128 U. S. 289, 9 Sup. Ct. 77; *Thwing* v. *Dennie*, Quincy (Mass.) 338. But in the case of a contempt either criminal or civil, not committed in the presence of the court, there must always be a hearing and, in most cases, notice before attachment. *Ex parte Stricker*, 109 Fed. 145; *Ex parte Langdon*, 25 Vt. 680. But *cf. Ex parte Haley*, 37 Mo. App. 562. The legislature may also punish a contempt, such as a refusal to testify, committed before it or its committee carrying on an investigation for legislative purposes. *People ex rel. McDonald* v. *Keeler*, 99 N. Y. 463, 2 N. E. 615; *Lowe* v. *Summers*, 69 Mo. App. 637. But where the contempt is committed before a committee, it cannot be punished by the committee but must be reported to the legislative body for its action. See *In re Davis*, 58 Kan. 368, 379, 49 Pac. 160, 163; COOLEY, CONSTITUTIONAL LIMITATIONS, 7 ed., 193. As held in the principal case, therefore, it would seem not due process of law to allow a court to punish without notice or a hearing a contumacious act which not only did not occur in its presence but was not a contempt of the court but of the legislature.

CONTEMPT — POWER TO PUNISH FOR CONTEMPT — POWER OF SUPREME COURT TO PUNISH FOR CONTEMPT OF LOWER COURT. — A newspaper published statements tending to prove that a person accused of murder and remanded to appear before a lower court was guilty. Application was made to the Supreme Court to punish the members of the staff of the paper for contempt. *Held*, that the Supreme Court has jurisdiction in the matter. *In re Packer*, [1911] V. L. R. 401.

Every superior court possesses an inherent power of employing contempt proceedings to prevent any interference with its administration of justice. *Ex parte Fernandez*, 10 C. B. N. S. 3; *Ex parte Terry*, 128 U. S. 289, 9 Sup. Ct. 77. This power can be exercised only by the court whose authority is being defied. *Androscoggin & Kennebec R. Co.* v. *Androscoggin R. Co.*, 49 Me. 392; *People* v. *Placer County Judge*, 27 Cal. 151. Accordingly, the few American cases on the subject hold that an upper court cannot punish for contempt of a lower court. *Lessee of Penn* v. *Messinger*, 1 Yeates (Pa.) 2; *In re Emery*, 149 Mich. 383, 112 N. W. 951. The earlier English cases also took this view. *Rex* v. *Burchett*, 1 Str. 567; *In the Matter of an Application for an Attachment for Contempt of Court*, 2 T. L. R. 351. The recent English authorities, however, decide that where a lower court is powerless to prevent an interference with its administration of justice, the upper court will intervene by an attachment for contempt. *Rex* v. *Davies*, [1906] 1 K. B. 32; *Rex* v. *Clarke*, 103 L. T. 636. These authorities argue that the purpose of contempt proceedings is to protect the administration of justice rather than the dignity of any court. Yet it is because a particular court is being prevented from exercising its proper functions that the summary contempt process is allowed. See *United States* v. *Hudson*, 7 Cranch (U. S.) 32, 34; *Cartwright's Case*, 114 Mass. 230, 238. Indictment is the proper remedy for the public wrong involved. *Rex* v. *Fisher*, 2 Camp. 563. The reasoning of the principal case is therefore open to criticism, although the result accomplished is perhaps desirable.

COPYRIGHTS — COMMON-LAW RIGHT: PROPERTY IN MUSICAL IDEA. — The plaintiff was the author of the music of a song, on each published copy of which appeared the reservation "Public performance strictly forbidden." The defendant without authorization transferred the music to phonograph records. *Held*, that the plaintiff is not entitled to an injunction against the making or selling of the records. *Monckton* v. *Gramophone Co.*, 132 L. T. J. 295 (Eng., C. A., Jan. 24, 1912).

For a discussion of the principles involved, see 19 HARV. L. REV. 134.

CORPORATIONS — DIRECTORS AND OTHER OFFICERS — DE FACTO DIRECTORS. — The *de facto* directors of a private corporation, in due form elected other directors to fill vacancies in their board. An action, in statutory form, was brought to oust all the directors from office. For the new directors it was argued that they had become *de jure* officers, because elected by officers acting in the due course of their assumed duties. *Held*, that the election of all the directors be set aside. *Matter of Ringler & Co.*, 204 N. Y. 30. See NOTES, p. 550.

CORPORATIONS — DIRECTORS AND OTHER OFFICERS — DIRECTORS' ADVERSE INTEREST IN CONTRACT WITH CORPORATION. — A director of a corporation, who was also the superintendent of its factory, contracted with it through its president to superintend its proposed branch factory. *Held*, that the corporation cannot avoid the contract. *Wainwright* v. *P. H. & F. M. Roots Co.*, 97 N. E. 8 (Ind.). See NOTES, p. 553.

CORPORATIONS — INSOLVENCY OF CORPORATION — VOLUNTARY PETITION IN BANKRUPTCY BY DIRECTORS. — By resolution of the board of directors without a vote of the stockholders, a corporation filed a voluntary petition in bankruptcy. *Held*, that the adjudication will not be set aside. *In re Kenwood Ice Co.*, 189 Fed. 525 (Dist. Ct., D. Minn.).

The Bankruptcy Act of 1867 permitted a voluntary petition by a corporation by a vote of the majority of stockholders present at a meeting called for the purpose. U. S. REV. STAT., 1878, § 5122. The present act permits a voluntary petition, but provides no form of corporate action. 36 U. S. STAT. AT LARGE, Sess. II. c. 412, § 3. Directors have power to commit acts of bankruptcy. Thus the weight of authority permits them to make a general assignment for the benefit of creditors. *Rogers* v. *Pell*, 154 N. Y. 518, 49 N. E. 75; *Birmingham Drug Co.* v. *Freeman*, 15 Tex. Civ. App. 451, 39 S. W. 626. But *cf. Abbot* v. *American Hard Rubber Co.*, 33 Barb. (N. Y.) 578. Directors may commit a preference. *Dana* v. *Bank of the United States*, 5 Watts & S. (Pa.) 223. And they may apply for a receiver. *Exploration Mercantile Co.* v. *Hardware & Steel Co.*, 177 Fed. 825. They may also make a written admission of the corporation's inability to pay debts and willingness to be adjudged a bankrupt. *In re Lisk Mfg. Co.*, 167 Fed. 411. *Contra, In re Bates Machine Co.*, 91 Fed. 625. Nor is this an ineffectual act of bankruptcy when the directors solicit a petition by creditors. *In re Moench & Sons Co.*, 123 Fed. 965. So the step taken by the principal case seems inevitable. *Contra, Donly* v. *Holmwood*, 4 Ont. App. 555. Objection on the ground that directors may thus effect a fundamental change should have been taken to the doctrine of general assignment. *Bank Commissioners* v. *Bank of Brest*, Har. (Mich.) 106. See *Beaston* v. *Farmers' Bank of Delaware*, 12 Pet. (U. S.) 102, 138. *Contra, Town* v. *President, etc. of Bank of River Raisin*, 2 Doug. (Mich.) 530. Moreover, it should be noted that the Act of 1867, requiring a vote of the stockholders, did not allow the corporation a discharge, whereas the present act does. *In re Marshall Paper Co.*, 102 Fed. 872.

DAMAGES — MEASURE OF DAMAGES — EFFECT OF NOTICE OF SPECIAL CIRCUMSTANCES AFTER DELIVERY OF GOODS TO CARRIER. — The defendant undertook to carry a printing press by rail to the residence of the plaintiff. Part of it was delivered, and the plaintiff thereupon gave notice of special damages he would suffer if the remainder was not promptly delivered. The plaintiff brought suit for the special damages alleged to have accrued from delay after the notice was given. *Held*, that such special damages cannot be recovered. *Hassler* v. *Gulf, C. & S. F. Ry. Co.*, 142 S. W. 629 (Tex., Ct. Civ. App.).

Unless notice of special circumstances be given to the carrier, damages for delay are limited to those which both parties may reasonably be supposed to